

REMARKS

Claims 1-24 are pending in the Application, and all have been rejected in the Office action mailed December 1, 2008. Claims 1, 12, 14, and 23 are amended and new claims 25-40 are added by this amendment. Applicants respectfully submit that new claims 25-40 do not add new matter. Claims 1, 14, and 25 are independent claims, from which claims 2-13, 15-24, and 26-40 depend, respectively. Applicants respectfully request reconsideration of claims 1-24, and consideration of new claims 25-40, in view of the remarks that follow.

The Applicants note that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, USPTO personnel should state all reasons and bases for rejecting claims in the first Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, USPTO personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

M.P.E.P. §2106(II) (emphasis added).

As such, the Applicants assume, based on the goals of patent examination noted above, that the current Office Action sets forth "all reasons and bases" for rejecting the claims.

Amendment to the Specification

Applicants have amended paragraph [0002] of the Specification to update information for related patent applications, as required by the Office. Applicants respectfully submit these amendments do not add new matter.

Amendments to the Claims

Claims 1, 12, 14, and 23 have been amended to clarify aspects of the claims. Applicants respectfully submit that no new matter is added by these amendments.

Objections to the Specification

The disclosure was objected to due to informalities. Applicants have amended paragraph [0002] of the Specification as shown above to include updated information on related applications as required by the Office, respectfully submit that the objection is overcome, and request that the objection to the disclosure be withdrawn.

Rejections of Claims

Non-Statutory Obviousness-Type Double Patenting

Claims 1-7, 11, 13, 15, 16, 18, 19, 23, and 24 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-3, 5, 7-13, 16, 17, and 21-24 of Application Serial No. 10/667,833. Applicants respectfully traverse the rejection.

According to M.P.E.P. §804(II)(B)(1), "...the analysis employed in an obviousness-type double patenting rejection parallels the guidelines for analysis of a 35 U.S.C. 103 obviousness determination. *In re Braat*, 937 F.2d 589, 19 USPQ2d 1289 (Fed. Cir. 1991); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985)." The M.P.E.P. goes on to state:

Any obviousness-type double patenting rejection should make clear:

(A)The differences between the inventions defined by the conflicting claims — a claim in the patent compared to a claim in the application; and

(B)The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim at issue is anticipated by, or would have been an obvious variation of, the invention defined in a claim in the patent.

(emphasis added)

In addition, M.P.E.P. §804(II)(B)(1)(a) states, in part, "...[u]nless a claimed invention in the application would have been anticipated by, or obvious over a claimed invention in the patent, no double patenting rejection of the obvious-type should be made...."

Applicants respectfully submit that the Office has not established a *prima facie* case of either anticipation or obviousness with respect to claims 1-7, 11, 13, 15, 16, 18, 19, 23, and 24 over the cited claims of Application Serial No. 10/667,833. Initially, the support provided by the Office for this rejection is simply a two-column listing of the language of only claims 1, 2, 3, 6, and 11 of the Application, aligned with claims 1, 2, 3, 7, and 11 of Application Serial No. 10/667,833. The Office fails to even address rejected claims 13, 15, 16, 18, 19, 23, and 24 of the Application.

Further, although the Office has arranged selected claims in a side-by-side format, the Office fails to provide the required "...reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim at issue is anticipated by, or would have been an obvious variation of, the invention...." Applicants respectfully submit that the Office does not provide any explanation of why the elements of Applicants' claims are either anticipated or obvious in view of the cited claims of Application Serial No. 10/667,833. Instead, the Office offers only the conclusory statement:

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in [the] application are the same subject matter to the claims in the copending application although the claims in

copending application are broader than the claims in application.

Further, Applicants respectfully submit that the Office fails to even reproduce, let alone address all of the features of independent claims 1 of the Application and of cited Application Serial No. 10/667,833. It is puzzling to the Applicants why the Office devotes so much of the comparative listing to the features of Applicants' dependent claims 2, 3, 6, and 11 and the allegedly corresponding dependent claims 2, 3, 7, and 11 of Application Serial No. 10/667,833, when the Office fails to even list, let alone address all of the features of Applicants' claim 1 and those of claim 1 of Application Serial No. 10/667,833, which are, by definition, part of all of the dependent claims. Applicants respectfully submit that the cited claims of the Application and cited claims of the cited Application Serial No. 10/667,833 recite different features and patentably distinct subject matter, and that the Office has not shown that a non-statutory obviousness-type double patenting rejection is appropriate in that it has not shown where "...at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s)."

For at least the reasons set forth above, Applicants respectfully submit that the Office has failed to establish a *prima facie* case of either anticipation or obviousness, as required by M.P.E.P. §804(II)(B)(1), that a non-statutory obviousness-type double patenting rejection is inappropriate, and respectfully request that the non-statutory obviousness-type double patenting rejection of claims 1-7, 11, 13, 15, 16, 18, 19, 23, and 24 be withdrawn.

Applicants respectfully note that all remaining rejections are for alleged reasons of obviousness. Applicants respectfully submit that the Office action has failed to establish a *prima facie* case of obviousness, in accordance with M.P.E.P. §2142. According to M.P.E.P. §2142, "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of

nonobviousness." M.P.E.P. §2142 further states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." As recognized in M.P.E.P. §2142, "[t]he Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), 82 USPQ2d 1385, 1396 noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." In addition, the Federal Circuit has made clear that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 127 S. Ct. 1727 (2007), 82 USPQ2d at 1396.

In addition, M.P.E.P. §2143.03 states, in part:

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Rejections Under 35 U.S.C. 103

Claims 1-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Alba (US 20040132403) in view of Whelan, et al. (US 20040203593, hereinafter "Whelan"). The Applicants respectfully traverse the rejection.

With regard to amended claim 1, Applicants respectfully submit that claim 1 now recites, in part, "...a first user interface for display on the television display, the first user interface supporting the communication and consumption of media, and having a first look and feel;..." Applicants respectfully submit that the cited art does not render at least this aspect of Applicants' claim 1 unpatentable.

The Office states that "...a first user interface (WAN 110, wireless cable networking gateway 120 and TV cable backbone 132) for display on the television display (first TV set 134), the first user interface supporting the exchange and consumption of media, and having a first look and feel (see Fig. 4 and para. [0009], [0010]);...." See Office action at page 5. Applicants' respectfully disagree. Applicants respectfully note that the Office cites only Alba as teaching this aspect of Applicants' claim 1.

Applicants respectfully submit that Alba teaches that "WAN 110" is a "wide-area cable network 110", and that the "WAN 110", the "wireless cable networking gateway 120" and "TV cable backbone 132" are networks or devices for the communication of signals, and are not "user interfaces", as recited by Applicants' claim 1. The Office does not offer any explanation or interpretation of Alba to clarify how any of the "wide-area cable network 110", the "wireless cable networking gateway 120", or the "TV cable backbone 132" are to be "...display[ed] on the television display...", or how the "WAN 110", "wireless cable networking gateway 120", or "TV cable backbone 132", "...hav[e] a first look and feel." Therefore, Applicants respectfully submit that the Office has failed to show how the "WAN 110", "wireless cable networking gateway 120", or "TV cable backbone 132" of Fig. 4 of Alba teach or suggest a "user interface", in accordance with Applicants' claim 1.

The Office also cited paragraph [0010] of Alba, which states:

[0010] The present invention therefore introduces the broad concept of marrying a WAP to a premises cable network, such as those commonly found in homes, hotels and hospitals. The WAP is made part of a wireless cable networking gateway, which allows data communicated to or from the WAP to be injected into or extracted from a portion or all of a channel. The channel is displayable on any conventional television set (or sometimes alternatively called a "monitor") that is in the premises cable network. In this manner, wireless devices can display data through, or receive data from, the premises cable network.

This cited portion of Alba teaches marrying a "wireless access point (WAP)" to a "premises cable network", and that the "WAP" allows data communicated to or from the "WAP" to be injected into or extracted from a portion or all of a "channel", which is displayable on any conventional television set. Thus, Alba simply teaches a communication path that converts data to/from signals for communication to/from a television set or monitor. It discloses an interface between a device communicating with a "WAP" and a television set or monitor. It does not, however, teach or suggest an interface with a user, or "user interface", for "display on [a] television display", in accordance with Applicants' claim 1.

Based at least upon the above, Applicants respectfully submit that the cited portions of Alba do not teach or suggest "...a first user interface for display on the television display, the first user interface supporting the communication and consumption of media, and having a first look and feel;..." Because the Office cites only Alba as teaching this aspect of Applicants' claim 1, Applicants respectfully submit that the Office has failed to show where the proposed combination of Alba and Whelan teach or suggest at least this aspect of Applicants' claim 1.

Applicants' amended claim 1 also recites "...a second user interface for display on the personal computer monitor, the second user interface supporting the communication and consumption of media, and having a second look and feel..." Applicants respectfully submit that the cited art does not render at least this aspect of Applicants' claim 1 unpatentable.

The Office states that Alba discloses "...a second user interface (wireless access point 510, wireless cable networking gateway 120 and TV cable backbone132) for display on the personal computer monitor (second TV set 136), the second user interface supporting the exchange and consumption of media , and having a second look and feel (see Fig . 5, para. [0059]);..." Applicants respectfully note that the Office again cites only Alba in rejecting this aspect of Applicants' claim 1. Applicants respectfully submit that the rejection cites elements of Fig. 5 of Alba that correspond to those of Fig. 4 cited in the rejection of Applicants' claimed feature "first user interface",

and that Alba fails to teach or suggest this aspect of Applicants' claim 1 for at least the reasons set forth above.

The Office also cites paragraph [0059] of Alba as teaching this aspect of Applicants' claim 1. Paragraph [0059] of Alba states the following:

[0059] The Wi-Fi system 500 may allow Internet searching on the computer 520 via the keyboard 530 with the results viewed on either the first television set 134, the second television set 136 or any other television set or viewing device that is connected to the premises cable network 130. The Wi-Fi system 500 may also allow simultaneous viewing of the results and a program on a selected television channel. In addition, the Wi-Fi system 500 may allow multi-room gaming between several players using the first, second and third gaming system controller 550, 560, 570 and remotely located at the first television set 134, the second television set 136 or other viewing devices which may be connected to the Wi-Fi system 500.

The cited portion above simply teaches that results of Internet searches using "computer 520" may be displayed on television or other viewing devices, and the simultaneous viewing of results of such searches and television programs, and multi-room gaming. This portion of Alba does not, however, teach or suggest a "second user interface" as recited by Applicants' claim 1. Therefore, Applicants respectfully submit that the cited portions of Alba do not teach or suggest "...a second user interface for display on the personal computer monitor, the second user interface supporting the communication and consumption of media, and having a second look and feel...." Because the Office cites only Alba as teaching this aspect of Applicants' claim 1, Applicants respectfully submit that the Office has also fails to show where the proposed combination of Alba and Whelan teach or suggest at least this aspect of Applicants' claim 1.

In addition, Applicants' claim 1 recites "...server software that receives a request that identifies one of the first and second associated network addresses, and responds by identifying the other of the first and second associated network addresses to support

the communication via a communication network of media between one of the first and second storage and the other of the first and second storage for consumption;...." Applicants respectfully submit that the cited art also does not render at least this aspect of Applicants' claim 1 unpatentable.

The Office admits, at page 5-6, that "...Alba fails to teach a first and a second associated network address and server software to identify one of the first and second associated network addresses, and responds by identifying the other of the first and second associated network addresses to support the exchange via a communication network of media between one of the first and second storage and the other of the first and second storage for consumption." Applicants agree with the Office.

In an effort to overcome the admitted deficiencies Alba, the Office relies on Whelan, stating at page 6, in part, "...Whelan teaches a user interface as a sub-network or Access point (AP 414) and storage device as mobile unit (MU 416)(see US'593, para.[0003] and Fig.4) comprising: server software (as Dynamic Host Configuration Protocol(DHCP) servers 422) that receives a request that identifies one of the first and second- associated network addresses (allocate IP address to mobile units, see para. [0088] lines 1-6), and responds by identifying the other of the first and second associated network addresses to support the exchange via a communication network of media between one of the first and second storage (Access Points 414) and the other of the first and second storage for consumption (Mobile units 416)(see Fig. 4 and para. [0091] lines 4-19)." Applicants respectfully disagree.

Initially Applicants respectfully submit that the Office fails to explain how it supports the interpretation of the "Access Point 414" of Whelan as a "user interface". Applicants claim 1 recites that the "user interface" is "...for display." It is unclear to the Applicants how an "Access Point 414" would be displayed on a television display or monitor, as claimed. Applicants respectfully submit that the proposed combination of Alba and Whelan fails to render claim 1 unpatentable, for at least this reason.

Applicants now address the cited portions of Whelan, beginning with "element 422" of Fig. 4, which Whelan identifies as "DHCP Server 422". Applicants respectfully

submit that the illustration of Fig. 4 of Whelan merely shows a rectangular block containing the text "DHCP Server", without any additional details of the operation or function of the "DHCP Server 422". Applicants respectfully submit that neither "element 422", nor any other element or text of Fig. 4 teaches or suggest "...server software that receives a request that identifies one of the first and second associated network addresses, and responds by identifying the other of the first and second associated network addresses to support the communication via a communication network of media between one of the first and second storage and the other of the first and second storage for consumption;...." Therefore, Applicants respectfully submit that "element 422" of Fig. 4 does not teach, suggest, or otherwise render obvious at least this aspect of Applicants' claim 1. Applicant now turns to the cited portion of Whelan at paragraph [0088], lines 1-6, which are shown below underlined, in context:

[0088] In some embodiments, the one or more backbone networks 410 and one or more 412 networks will use one of the versions of the Internet Protocols (IP). One or more Dynamic Host Configuration Protocol (DHCP) servers 422 dynamically allocate IP addresses to the mobile units 416. The DHCP servers may be organized and administered hierarchically. Each DHCP server may provide dynamic IP address assignment to one or more sub-networks. In some embodiments, the configuration management server 400 may act as a proxy for the DHCP server or may contain or encapsulate the DHCP server. In these embodiments, the configuration management server will not allow the DHCP server to assign an IP address to a mobile unit, until it has been properly configured and verified, while the mobile unit is associating with an access point 414.

(emphasis added)

This cited portion of Whelan teaches that backbone networks will use an Internet Protocol (IP), that "Dynamic Host Configuration Protocol (DHCP) servers 422" (of Fig. 4), that may be organized and administered hierarchically allocate IP addresses to "mobile units 416", and may provide IP addresses to one or more sub-networks. Applicants respectfully submit that the mere allocation of IP addresses to "mobile units" does not teach or suggest a server that "...receives a request that

identifies one of the first and second associated network addresses..." and
"...responds by identifying the other of the first and second associated network
addresses...", as recited by Applicants' claim 1. The cited portion fails to teach that the
"DHCP Server 422" performs in this manner, and the Office has failed to provide any
explanation of how and why the Office interprets this portion of Whelan as teaching this
aspect of Applicants' claim 1. Instead, the Office offers only a conclusory statement.
The cited portion of Whelan says nothing about "receiving a request", let alone that such a "received request" identifies one of first and second associated network addresses as claimed. Further, the cited portion of Whelan also fails to disclose that the "DHCP Server 422" responds with the other of the "first and second associated network addresses". As previously noted, the Federal Circuit has made clear that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Applicants respectfully submit that the conclusory statement by the Office is insufficient to establish a *prima facie* case of obviousness. The Office has admitted that Alba does not teach this feature of Applicants' claim 1. Because Applicants have shown that Whelan does not teach this feature, Applicants respectfully submit that the combination of Alba and Whelan cannot, by definition, teach or suggest at least this aspect of Applicants claim 1.

Applicants respectfully submit that in spite of previously identifying Whelan's "Access Point 414" as teaching Applicants' "user interface", the Office then identifies the "Access Points 414" as teaching Applicants' "one of the first and second storage." Applicants respectfully submit that these two different interpretations of Whelan are inconsistent and does not support a *prima facie* case of obviousness. In addition, Applicants are left without any explanation by the Office of how the "Access Point 414" of Whelan teaches "[first or second] storage for storing media [for consumption...." Similarly, the Office identifies Whelan's "mobile unit (MU) 416" as also teaching "storage", again without any explanation of how or why this element of Whelan teaches that aspect of Applicants' claim 1. Such statements provide no support to establish a *prima facie* case of obviousness.

Applicants now address the cited portion of Whelan at paragraph [0091], lines 4-19, which the Office has identified as teaching "the other of the first and second storage for consumption...", which is reproduced below, underlined:

[0091] When a mobile unit 416 detects an access point 414 it attempts to associate with it 450. The decision to associate with a new access point is based on a variety of standard criteria, such as, the received signal strength indication. The access point responds 452 as required by the protocol being employed (i.e. the IEEE 80.11 family of specifications). This protocol may include an authentication step, using for example, the RADIUS protocol. As part of the association process, the mobile unit typically makes a DHCP IP address assignment request (or other suitable address assignment request) 454, which will be passed by the access point 456 to the configuration management server 400. In some embodiments, the configuration management server acts as a proxy for the DHCP server 422, and will only assign an IP address if the mobile unit is under the required configuration management. Communications with the mobile unit, prior to the assignment of an IP address can use OSI Layer 2 addressing (i.e. the MAC addresses of the mobile unit, access point, configuration management server).

(emphasis added)

This cited portion of Whelan simply describes the association of a "mobile unit 416" with an "access point 414", including use of authentication protocol, and that the "mobile unit may request assignment of an IP address from a "DHCP server 422". Applicants respectfully note that the "DHCP Server 422" or its proxy, assigns an IP address to the "mobile unit 416" that requests the IP address. The assigned IP address provided by the "DHCP Server 422" is not that of "...the other of the first and second associated network addresses...", in accordance with Applicants' claim 1. Further, the cited portion of Whelan fails to even mention either "mobile unit 416" or "access point 414" acting as "storage" between which media is communicated for consumption, in accordance with Applicants' amended claim 1. Again, the Office fails to provide any explanation of how it interprets the cited portion of Whelan as teaching

Applicants' claim features. The Office has admitted that Alba does not teach Applicants' claim feature "...responds by identifying the other of the first and second associated network addresses to support the exchange via a communication network of media between one of the first and second storage and the other of the first and second storage for consumption...." Applicants have shown above that the cited portions of Whelan also do not teach at least this aspect of Applicants' claim 1. It necessarily follows that the proposed combination of Alba and Whelan cannot teach, suggest, or otherwise render Applicants' claim 1 unpatentable.

With regard to claim 8, Applicants respectfully submit that the cited art fails to render the subject matter of claim 8 unpatentable. The Office states, at page 7-8:

Alba discloses the system of claim 1 wherein the first and second user interfaces (120) comprise a view having at least one media channel (WAN 110), the media channel comprising media available for consumption (see Fig. 4; wide-area cable network 110 is coupled with gateway 120 and N cable backbone 132 for display on N set 134 and 136, also see para. [0037, 0038].

The Office asserts that "element 120" of Alba, which is shown in Fig. 4 as a "wireless cable networking gateway 120", teaches Applicants' element "user interface". Applicants addressed this misinterpretation of Alba above with respect to claim 1. Applicants' claim 1 recites, in part, "...a first user interface for display on the television display..." and "...a second user interface for display on the personal computer monitor" Again, Applicants respectfully submit that the Office fails to show how a piece of communication equipment such as a "wireless cable networking gateway 120" teaches a "first user interface for display on a television display" or "a second user interface for display on a personal computer monitor", as recited by Applicants' claim 1. For at least these reasons, Applicants respectfully submit that the proposed combination of Alba and Whelan also fails to support a *prima facie* case of obviousness or render claim 8 unpatentable.

With regard to claim 10, Applicants respectfully submit that for reasons similar to those presented above with respect to claims 1 and 8, the proposed combination of Alba and Whelan also does not teach, suggest, or otherwise render unpatentable Applicants' claim 10, which recites in part, "...wherein the first and second user interfaces comprise a view displaying information related to at least one media peripheral." Accordingly, Applicants request reconsideration and withdrawal of the rejection of dependent claim 10.

Based at least upon the above, Applicants respectfully submit that the Office has not shown that the proposed combination of references teaches all elements of Applicants' claim 1, that the Office has not established a *prima facie* case of obviousness, and that the proposed combination of Alba and Whelan does not render claim 1, or any claims that depends from claim 1, unpatentable. Further, Applicants have shown that dependent claims 8 and 10 are allowable for additional reasons. Accordingly, Applicants respectfully request that the rejection of claims 1-13 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

With regard to independent claim 14, Applicants respectfully submit that the Office rejects claim 14 for the same reasons set forth in the rejection of claim 1 stating, in part at page 9, "Alba and Whelan disclose all claim limitations; see discussion in claim 1 above. Because the Office has not set forth any arguments beyond those presented for the rejection of claim 1, and because the Applicants have shown that Alba and Whelan, taken alone or together do not render Applicants' claim 1 unpatentable, Applicants respectfully submit that the proposed combination of Alba and Whelan also fail to render Applicants' claim 14 unpatentable, for at least the reasons set forth above,. Therefore, Applicants respectfully submit that claim 14 and any claims depending from claim 14 are allowable over Alba and Whelan.

Applicants respectfully request clarification of the intended meaning of the following statement by the Office that appears on page 9 of the Office action:

In the recitation "set top box" that has not been given patentable weight because it have [sic] been discloses [sic] as "a satellite receiver or cable box" (US'403, para. [0007] lines 4-7) is denied the effect of a limitation where the claim is drawn to a description of the structure. MPEP 2111.02.

Applicants respectfully submit that M.P.E.P. §2111.02 is entitled "Effect of Preamble [R-3]", and begins with the text "...[t]he determination of whether a preamble limits a claim is made on a case-by-case basis in light of the facts in each case; there is no litmus test defining when a preamble limits the scope of a claim." (emphasis added) Applicants have been unable to determine the relevance and intended significance of this section of the M.P.E.P., in that the recitation of Applicants' claim element "set top box" occurs in the body of Applicants' claim 14, and not the preamble. Applicants respectfully request specific clarification of the intended significance of the above statement by the Office.

In addition, the Office rejects dependent claims 20 and 22 for the same reasons presented in the rejections of claims 8 and 10, which Applicants have shown above are allowable over Alba and Whelan. Therefore, Applicants respectfully submit that claims 20 and 22 are allowable for at least those additional reasons.

For at least the reasons set forth above, Applicants respectfully request that the rejection of claims 14-24 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Newly Added Claims

New claims 25-40 have been added. Claim 25 is an independent claim from which claim 26-40 depend. Applicants respectfully submit that new claims 25-40 recite features similar to the features of pending claims 1-24. Support for new claims 25-40 may be found, for example, at paragraphs [0044]-[0050], [0057]-[0062], [0067]-[0070], [0072]-[0079], and [0090]-[0096], and Figs. 2A, 2B, 2C, 4, 7, 9A, 10, and 11. Applicants

Appn. No.: 10/672,654
Filed: September 26, 2003
Reply to Office action mailed December 1, 2008
Response filed March 5, 2009

respectfully submit that new claims 25-40 do not add new matter, and that new claims 25-40 are allowable for at least the reasons set forth above in response to the rejections of claims 1-24.

Conclusion

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully solicit a call to the undersigned at (312) 775-8000 to resolve any issues, should the Commissioner or staff have any questions regarding this submission.

The Applicants believe that no fees are due. However, the Commissioner is hereby authorized to charge any fees associated with this communication, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

Date: March 5, 2009

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street
Suite 3400
Chicago, Illinois 60661
Phone (312) 775-8000
Facsimile (312) 775-8100

/Kevin E. Borg/
Kevin E. Borg
Reg. No. 51,486